BRIEF FOR INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, AFL-CIO

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 22,572

NATIONAL LABOR RELATIONS BOARD

Petitioner

v.

RAYTHEON COMPANY

Respondent

No. 22,572A

INTERNATIONAL UNION OF ELECTRICAL, RADIO AND MACHINE WORKERS, AFL-CIO

Petitioner

v.

NATIONAL LABOR RELATIONS BOARD

Respondent

ON PETITION TO REVIEW AN ORDER OF
THE NATIONAL LABOR RELATIONS BOARD

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JURISDICTIONAL STATEMENT

These cases arise from a Decision and Order of the National abor Relations Board issued against the respondent-employer [Raytheon ompany] on October 5, 1966. The Board's Decision and Order are report- d at 160 NLRB No. 122.

Appeal No. 22,572 is before the Court upon petition of the ational Labor Relations Board, pursuant to Section 10(e) of the ational Labor Relations Act, as amended (61 Stat. 136, 73 Stat. 519, 9 U.S.C. 151 et seq.) for enforcement of its order. Appeal No. 22,572A s before the Court upon petition of the International Union of Electric- l, Radio and Machine Workers, AFL-CIO (herein "IUE"), the charging arty, to review and modify the Board's order insofar as it denies ertain relief requested by the IUE. The two cases above have been onsolidated.

This Court has jurisdiction of the proceeding under Section 0(e) and (f) of the Act, the unfair practices having occurred in the orthern California area.

Statement of the Case

This brief addresses itself to only a limited part of the onsolidated cases, namely the failure of the Trial Examiner to consider

motion of the charging party to amend the complaint so that addition- Section 8(a)(1) violations may have been found by the Board. These olations were presented as election objections in Case No. 20-RC-6201 d the Board found, on the basis thereof, that a free and fair election d not been held and directed a second election in Case No. 20-RC-6201. e charge case [which is the subject of this appeal] and the election se were consolidated for the purposes of hearing and their respective terminations are part of the same decision designated as 160 NLRB No.1

The issue in the unfair labor practice proceeding was whether rtain employee interrogation, coupled with anti-union speeches made by e employer during the course of an election campaign, violated Section a)(1) of the Act.

The issue in the election objection hearing was precisely the me except that the captive audience atmosphere of the speeches was con- lered in relation to the employer's restrictive rule on solicitation lleged as an amendment to the unfair labor practice complaint] which s found to have "effectively foreclosed the [IUE] from presenting its aims and arguments to employees while they were on company premises" ,24). On the basis of the employer's restrictive rule on solicitation, l interference violative of Section 8(a)(1) of the Act, the election s set aside (R.24-25).

Allegations concerning the employer's restrictive rule on solicitation [as well as certain other 8(a)(1) conduct] were offered as an amendment to the complaint (Pet. Ex.6). The amendment was opposed by the General Counsel and the Trial Examiner ruled: "I can't let you put in something that isn't alleged." (Tr.185). The IUE excepted to the denial of its motion to amend the complaint, but the Board, sub silentio, affirmed its Trial Examiner's ruling.

We do not seek to duplicate the Board's brief in the enforcement proceeding covering the unfair labor practices found, which will include a discussion of extensive 8(a)(1) violations which occurred during and as a result of IUE organizational campaign to secure representation rights for the employees. We are confident that the Board's brief will review the evidence in detail and will show that its unfair labor practice findings are overwhelmingly supported by the evidence. We do not wish to burden the Court by traversing the same ground twice, and we therefore refer the Court to the Board's brief for a full statement of that phase of the case.

Specification of Error

In that the complaint [20-CA-3554] and election objections proceedings [20-RC-6201] were consolidated and the several matters in which were determined to and did constitute a single overall controversy (18, 25, [n.6]) it was error for the Trial Examiner to exclude the

sideration of any amendment to the complaint, except those proferred the General Counsel. The rejection of the amendment was on the basis t its grant was not within the adjudicatory power exercised by the al Examiner.

The motion to amend the complaint that was made by the rging party stated:

"(1) On or about December 1, 1964, and at all times since that date the Employer has maintained a rule, re-promulgated on or about September 29, 1965, which provides disciplinary action for employees who engage in: 'selling, soliciting, canvassing or distributing without prior management approval.'

"(2) On or about March 1, 1965, the Employer gave benefits to its employees, specifically responding to individual grievances, as a reward for the employees voting against union representation on February 4, 1965, and in order to discourage further union activity and support.

"(3) On or about November 30, 1964, the Employer, by and through its supervisor Blackburn, threatened employees with strict enforcement of rules regarding absenteeism and with discharge because of their union activity and in order to discourage union activity.

"(4) On or about December 3, 1964, the Employer, by and through its supervisor Blackburn, threatened employees with strict enforcement of rules regarding absenteeism and with discharge because of their union activity and in order to discourage union activity.

"(5) On or about December 3, 1964, the Employer by and through its supervisor Tom Burke, threatened employees with the strict enforcement of work rules and work standards because of their union activity and in order to discourage union activity.

"(6) On or about December 3, 1964, the Employer, by and through its supervisor Tom Burke, threatened employees with strict enforcement of work rules and limited break periods because of their union activity and in order to discourage union activity.

"(7) On February 2, 1965, the Employer held captive audience meetings for its employees and denied the Union's request to attend and participate in such meetings." (IUE Ex.6).

It was error to deny the charging party's motion which would allowed an adjudication of the foregoing conduct as a violation of on 8(a)(1), as well as conduct warranting the invalidation of the ion.

Summary of Argument

The Board's view that it lacks the power to amend complaints e request of a charging party is contrary to the express amendatory s of Section 10(b) of the Act in the exercise of its adjudicatory ion.

The Supreme Court in UAW v. Scofield, 382 U.S. 205, exploded oard's theory that only the general counsel represents and enforces ublic interest in the prosecution of an unfair labor practice case. nition in Scofield of the public interest represented by a charging extends to his participation in an unfair labor practice proceeding, ding the right to offer an amendment to the complaint. The denial ant of such amendment falls within the adjudicatory power and tion of the Board and its trial examiner.

Section 3(d) of the Act results in a grant to the general el of exclusive power over a complaint with respect to its issu- and up to the time the hearing commences. Section 10(b) allows ment by the Board "at any time prior to the issuance of an order The legislative history of the 1947 amendments to the Act is in accord with the view that Section 3(d) did not alter the 's amendatory powers as defined by Section 10(b).

The power to amend in order to conform with the proofs as lished by this Court's decision in Frito Company, Western Division L.R.B., 330 F.2d 458 is no different than the power to consider ments during hearing. Both fall within the adjudicatory process ised by the Board and its Trial Examiner. Otherwise, the refusal e general counsel to amend the complaint will usurp the Board's nsibility and function under the Act.

Post Scofield decisions (e.g., Leeds v. Northrup Company v. .B., 357 F.2d 527 (3 Cir.) and Retail Clerks' Union v. Food Employers il, Inc., 351 F.2d 525 (9.Cir.) have recognized the public interest exercised by a charging party with respect to Section 10(l) injunction edings, the settlement of unfair labor practice cases and in backpay edings. Equal recognition should be accorded a charging party who cipates on the side of the general counsel in the prosecution of an r labor practice case.

Argument

I.

The Board Has The Authority To Amend Complaints At The Request Of A Charging Party.

We believe the Board's decision that it lacks the power to complaints at the request of the charging party is legally erron- in that it disregards the express language of Section 10(b) of the

> "Any...complaint may be amended by the member, agent or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon." (Emphasis supplied)

The Union's motion was denied by the Trial Examiner on the that the Board was not empowered to amend a complaint over the ions of the general counsel (Tr. 185). The Union excepted to the of its motion but the Board, sub silentio, affirmed it. Since ard has not passed upon the merits of the Union's motion, denying ely on its assumed lack of power, this portion of the case must be ed to the Board.[1/]

The above-quoted grant to the Board of power to amend

.B. v. Metropolitan Life Insurance Company, 380 U.S. 438, 442-443; B. v. Don Juan, 178 F.2d 625, 627-628 (C.A.2); Retail Store Employees Local 400 v. N.L.R.B., 360 F.2d 494, 496 (C.A.D.C.)

aints prior to the issuance of an order (Section 10(b) of the 29 U.S.C. §160(b))was part of the original Wagner Act of 1935 as remained unchanged ever since. The Board and its Trial ner have erroneously concluded that the subsequent enactment in of Section 3(d), 29 U.S.C. §153(d),deprived them of the power ously possessed [by an agent...or by the Board] to amend complaints e request of the charging party. Dallas Concrete Company, 102 1292, 1296-7, enforced on other grounds 212 F.2d 298 (C.A.5); am Plastics Corporation, 144 NLRB 1010, 1011 (n.1); Sailors' Union e Pacific, 192 NLRB 547. In the last named case (192 NLRB 547, n1) oard expressed the basis for its conclusion, as follows:

> "Section 8(a) and (b) of the Labor Management Relations Act creates public and not private rights (Phelps Dodge Corporation v. N.L.R.B., 313 U.S. 177). The protection of those rights is entrusted to public officials and not to private parties. The General Counsel of the Board has 'final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under Section 10, and in respect of the prosecution of such complaints before the Board...' Thus, the decision whether to issue a complaint, the contents of the complaint, and the management of the prosecution before the Board is entrusted to the sole discretion of the General Counsel. (See Haleston Drug Stores, Inc., 86 NLRB 1166). It follows that only the General Counsel may move to amend a complaint to allege an additional violation of the Act. Otherwise the management of the cause would pro tanto be taken from the General Counsel and entrusted to a private party, which is contrary to the scheme of the statute and the specific provisions of Section 3(d). As the General Counsel has declined to join in the charging party's motion, it is hereby denied. The similar ruling of the Trial Examiner is also affirmed."

Section 3(d) of the 1947 Act concerns itself with the sub-
ct of complaints as follows:

> "There shall be a General Counsel of the Board... [h]e shall have final authority, on behalf of the Board, in respect of the investigation of charges and issuance of complaints under Section 10, and in respect of the prosecution of such complaints before the Board, and shall have such other duties as the Board may prescribe or as may be provided by law."

The Board's misreading of the statute is premised upon its
nception that only the general counsel represents and enforces the
blic interest in the prosecution of an unfair labor practice case.
ramiding upon this premise the Board then postulates that only the
neral counsel--not private litigants--can seek amendments. (See
ilors' Union of the Pacific, supra).

In 1965, the Supreme Court exploded the Board's theory that
e Act creates only public rights (U.A.W. v. Scofield, 382 U.S. 205).
Scofield, the Court considered the scope of Section 10 of the Act
d particularly whether a charging party has the right, in the public
terest, to intervene in support of a Board decision challenged in a
urt of appeals. The Board contended that the Act creates "no private
ghts" for a charging party to actively protect. The Supreme Court
ld that the Act recognizes the existence of such rights within the
atutory scheme, as follows:

"On the other hand, the Board reasons, the charging party stands only to become a beneficiary of an order entered. As such he is but another member of the public whose interests the Board is designed to serve. The Labor Board is said to be the custodian of the 'public interest' to the exclusion of the so-called 'private interests' at stake. Support for this view is claimed to be found in our decision in Amalgamated Utility Workers v. Consolidated Edison Co., 309 U.S. 261, 60 S.Ct. 561 84 L.Ed. 738 (1940). Also, the Board fears that enabling the intervenor to petition for certiorari from an adverse circuit decision will be inimical to the public interest. We disagree. In prior decisions, this Court has observed that the Labor Act recognizes the existence of private rights within the statutory scheme. [Footnote omitted]. These cases have, to be sure, emphasized the 'public interest' factor. To employ the rhetoric of 'public interest', however, is not to imply that the public right excludes recognition of parochial private interests.

"The statutory machinery begins with the filing of an unfair labor practice charge by a private person, §10(b) 61 Stat. 146; see also, 24 Fed. Reg. 9102 (1959), 29 CFR §102.9 (1965). When the General Counsel issues a complaint and the proceeding reaches the adjudicative stage, the course the hearing will take is in the agency's control, but the charging party is accorded formal recognition: He participates in the hearing as a 'party'; he may call witnesses and cross-examine others, may file exceptions to any order of the trial examiner, and may file a petition for reconsideration to a Board order, 28 Fed. Reg. 7973 (1963), as amended, 29 CFR §102.46 (1965). Of course, if the Board dismisses the complaint, he can obtain a review as a person aggrieved, which serves the 'public interest' that the Board interpretation of the relevant provisions accords with the intent of Congress."

It is submitted that with Scofield the entire predicate of oard's denial of power to amend complaints at the request of a ing party crumbles. In this case, the denial of the amendments

f the complaint was on the ground that the charging party has no tanding--not on the ground that the amendments were not in the ublic interest. Since the amendment would have required the Company o remedy additional unfair labor practices, it could only have been ound that the grant of the amendments would have served the object- es of the Act. The invalidation of the election may not be deemed remedy since the Company was not thereby restrained from continuing s restrictive no-solicitation rule and from engaging in other unfair bor practices to which the amendment was addressed.

It remains true that only the general counsel may issue com- aints for Section 3(d) so commands. But once a complaint is issued d the adjudicatory machinery set in motion, the question of how to oceed is one with respect to which the charging party has a role and e only objective that such participation may serve is in the public terest.

The purpose of Section 3(d) was to establish the role of the neral counsel vis-a-vis the Board, which had previously been both osecutor and judge. The prosecutorial role was taken from the Board l assigned to an "independent" general counsel. The charging party's e in the prosecution of the charge remained unaffected. This trinity roles was recognized by this Court in Frito Company, Western Division N.L.R.B., 330 F.2d 458, as follows:

> "It is now settled that the General Counsel's decision to investigate a charge or issue a complaint is unreviewable by the Board. However, once the decision has been made to issue a complaint and to prosecute it, the General Counsel has embarked upon the judicial process which is reserved to the Board. If the General Counsel can control this process, then the General Counsel can indeed usurp the Board's responsibility for establishing policy under the Act by simply withholding from the Board any issue which might precipitate a meaningful policy decision not in accord with the views of the General Counsel." (330 F.2d at 463-464)

In this case the judicial process reserved to the Board has een deemed to exclude the power to amend complaints unless requested y the general counsel. Only Congress can divest the Board of such ower which would as of necessity require an amendment of Section 0(b) of the Act. In Frito, this Court pointed out:

> "Authority for the Board to consider those clauses is said by petitioner to be the Board's amendatory power as set forth in Section 10(b) of the Act which provides in pertinent part:
>
> > '***Any such complaint may be amended by the member, agent or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. ***'.
>
> "Section 10(b) remained a part of the Act when the function of the Board was changed by the enactment of Section 3(d) of the Act.
>
> "In N.L.R.B. v. Sterling Furniture Co., 202 F.2d 41 (9 Cir.,1953) this Court in response to the argument of the Board that an order could not be issued against against any association which had voluntarily appeared, but had not by amendment of the complaint been made a party, stated that the Board's position was not based

upon consideration having to do with vindication of the policy of the Act, but on assumed procedural difficulties which had no merit in light of the Board's amended powers. Such being the case, the Court held that the Board had a duty to amend where the policy of the Act would be effectuated and a full disposition of the cause was not otherwise possible.

"The Board argues that the Sterling case, supra, is inapposite inasmuch as the General Counsel in that case approved the amendment of the complaint. There is, however, no reason to think the result would have been otherwise had the General Counsel not approved the amendment when consideration is given to the decision of this Court in Haleston Drug Stores, Inc. v. N.L.R.B., 187 F.2d 418 (9 Cir., 1957), cert. denied, 342 U.S. 815, 72 S.Ct. 29, 96 L.Ed. 616 (1951). In Haleston, the Board dismissed unfair labor practice complaints for policy reasons although the General Counsel had issued the complaints. This Court recognized that Section 3(d) of the Act conferred upon the General Counsel final authority to investigate charges, issue complaints and prosecute the same before the Board, but held that regardless of the position taken by the General Counsel, the Board still retained the power to dismiss on the grounds of effectuating the policy of the Act. (330 F.2d at 462-463).

The power to amend in order to conform with the proofs [as in to] is no different than the power to consider an amendment that was ely made during the course of the hearing. Both kinds of amendment l within the adjudicatory process exercised by the Board and its al Examiner. To make the amendment at hearing subject to the express roval of the general counsel would usurp the Board's responsibility establishing policy by the simple expedient of withholding such oval.

In Frito the evidence of the violation was admitted into record and this Court thereupon held that "the Trial Examiner the Board were then free to consider the evidence and to exercise cial discretion as to whether to permit amendment to conform to " (330 F.2d 458). Since the holding in Frito is premised upon Board's power under Section 10(b) of the Act it may not be limited hose situations where the amendment follows the admission of evid- or at times that the hearing has been completed. The amendatory granted by Section 10(b) is "at any time prior to the issuance of der based thereon [i.e., the underlying complaint]". It would be t anomalous result if the charging party's ability to secure amend- depended upon whether he was able to develop an evidentiary record g the course of the hearing. The express language of Section 10(b) not warrant such a barrier since the Board's adjudicatory function unfair labor practice case begins upon the commencement of the ng in which the charging union participates as a full party.[2/] cit in the exercise of that adjudicatory function is the discretion- ower to allow amendments.

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ion 102.8 of the Board's Rules and Regulations provides: "The term y' shall mean...any person filing a charge..." and Section 102.38 des: "Any party shall have the right to appear in person, by counsel.. ll, examine and cross examine witnesses, and to introduce into the d documentary or other evidence, except that the participation of any shall be limited to the extent permitted by the trial examiner...".

International Union of Electrical, Radio and Machine Workers

CIO v. N.L.R.B., 289 F.2d 757 (C.A.D.C.) is based upon the mistaken lusion that when Congress added Section 3(d) in 1947, its failure to ge Section 10(b) was an inadvertence. An examination of the legis-ve history of the 1947 amendments shows that Section 3(d) was in no ect intended as a limitation of the amendatory powers contained in ion 10(b).

In Senator Taft's analysis of Section 3(d), 2 Legislative [3/] ory 1622, he stated:

> "Section 3(d): In order to make an effective separation between the judicial and prosecuting functions of the Board and yet avoid the cumbersome device of establishing a new independent agency in the executive branch of the Government, the conferees created the office of general counsel of the Board, to be filled by appointment of the President, subject to Senate confirmation. We invested in this office final authority to issue complaints, prosecute them before the Board, and supervise the field investigating and trial personnel. It is asserted that this is inconsistent with the Administrative Proceduce Act and that it places a tremendous amount of unreviewable power in the hands of a single official.
>
> "The Board itself has been sensitive to the reproach that it acts as judge, jury, and prosecutor, and in recent years has promulgated regulations which have delegated the power of issuing complaints to the various regional directors."

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rence is to the Legislative History of the Labor Management Relations 1947, published in two volumes by the National Labor Relations Board.

, Senator Taft, the author of the 1947 Act, viewed Section 3(d) ransferring the supervision of regional directors--who issued laints--from the Board to the general counsel. But the power of lment had never been delegated to regional directors and Senator did not contemplate a transfer of that power.

In President Truman's veto message of H.R. 3020 (1 Leg. ory 918) he pointed out the conflict that the amendments would e between the Board and its general counsel, as follows:

> "...the general counsel would decide, without any right of appeal by employers and employees, whether charges were to be heard by the Board, and whether orders of the Board were to be referred to the Court for enforcement. By virtue of this unlimited authority, a single administrative official might usurp the Board's responsibility for establishing policy under the act."

eto message which was intended as a "parade of horribles", did not that the 1947 Act abrogated the Board's amendatory powers. In zing the conflict that would result between the Board and general el, it is unlikely that the veto message would have overlooked it.

In the dispositive Conference Report (1 Leg. History 505), on 10(b) was restored to its original form which represents a erate act by the same conferees, who drafted Section 3(d). In premises it cannot be assumed that Section 3(d), sub silentio, uled Section 10(b). Rather it is clear that Congress did not d that Section 3(d) alter the Board's amendatory powers which continued by the 1947 Act.

Since Scofield courts have acknowledged the expanded role
charging party with respect to the settlement and prosecution of
air labor practice cases. In Leeds & Northrup Company v. N.L.R.B.,
F.2d 527 (3 Cir.), the court relied heavily upon the Scofield rul-
[that the Act recognizes private rights within the statutory scheme]
it struck down the settlement of an unfair labor practice case
e the charging party objected thereto. In acknowledging the status
charging party, once a complaint had issued, the court said:

> "While we are mindful that the General Counsel, and his functionary agent, the Regional Director, acts 'independently of any direction, control or review by the Board' (H.Conf.Rep.No.510, 80th Cong., 1st Sess., p.37, 1947) such authority as is delegated by the Board, with legislative permission 29 U.S.C. 153 (b)(d), pertains to the investigation, issuance, and when so decided, prosecution of complaint. Such delegation cannot carry with it final authority over the ultimate disposition of complaints beneath the Board level. Final disposition of complaint was reposed by Congress in the Board itself. See: Section 3(d) of the Act, 29 U.S.C. §153(d)." (357 F.2d at 534).

ssue in Leeds & Northrup was substantially identical to that which
een involved in that court's pre-Scofield denial of an appeal by a
ing party from the denial of an evidentiary hearing (Insurance
rs v. N.L.R.B., 46 LRRM 2028 (3 Cir.) cert. den. 363 U.S.806. In
ling its earlier Insurance Workers case, the court pointed out the
s of Section 3(d), as follows:

> "Under the prosecutory phase of Section 3(d) of the Act, the delegation of discretion to issue or not issue a complaint of unfair labor practice is not improper. But once

> issued, an adjudicatory phase of the administrative process arises necessitating appropriate avenues of review, both administrative and judicial. The Board, by its own regulations, designed to implement the Labor Management Relations Act, cannot thwart review of its actions, or those of its authorized agents." (357 F.2d at 535).

is case, it can be equally said that upon the inception of the licatory phase, the general counsel cannot thwart the Board's ion to remedy unfair labor practice by withholding his consent appropriate amendment made during the course of the unfair labor ice hearing.

This Court, in Retail Clerks' Union v. Food Employers Council, 351 F.2d 525, subscribed to the Scofield principle of "allowing public' interest to be represented by the 'private' charging when the representative of the NLRB is either unable or unwilling so" (351 F.2d at 529, N.2). In Retail Clerks' it was held that rging party could prosecute a Section 10(1) injunction, independent e regional director who had changed his mind after he had instituted roceeding. The seeking of injunctive relief by the director was dered analogous to the exclusive function of the general counsel sue a complaint and this Court refused to limit the discretion of istrict court since it would make its "action a mere rubber stamp he Regional Director" (351 F.2d at 530). In the instant case if rial examiner is deemed powerless to consider the amendment, the icatory function for which he is responsible will have been improper- mited by the general counsel who opposed the amendment.

Recently, the Board significantly broadened the right of ing parties to raise issues in back pay proceedings over the tion of the general counsel. In Journeymen Plaster's Protective evolent Society (John P. Phillips Plastering Co., Inc., & H.H. lli) 62 LRRM 1641 (13-CB-1235), the charging party sought to intro- evidence of losses in addition to those claimed by the general el. The Trial Examiner refused to receive such evidence stating he charging party "lacks the authority to amend the general el's theory of, or pleading by way of complaint and backpay specifi- is in an unfair labor practice case. These powers are vested by e exclusively in the General Counsel of the Board...It follows ince the General Counsel has elected to stand on his pleadings he opounded issues[s] which may not be amended, revised, or impugned e charging party]." In reversing its trial examiner the Board

> "We do not agree with the above ruling of the Trial Examiner. We perceive no reason either in law or in equity why the Charging Party in this instance should not have the right to introduce evidence disputing the correctness of the General Counsel's backpay specifications and their underlying computations and assumptions, and furnishing the basis for an amendment of the specifications."

both ironic and inexplicable that the Board has expressly rejected, espect to a backpay proceeding, the very position it still espouses espect to the original proceeding.

CONCLUSION

It is respectfully requested that this Court remand this
to the Board with direction that it recognize the public inter-
ole represented by a charging party who participates in the
:ution of an unfair labor practice case and further, that it
ler the amendment of such charging party, within the adjudi-
' functions that it exercises pursuant to the express legislative
:e of Section 10(b) of the Act.

Respectfully submitted,

Irving Abramson
Ruth Weyand
Melvin Warshaw

CERTIFICATION

I certify that, in connection with the preparation of this
I have examined Rules 18, 19 and 39 of the United States Court
eals for the Ninth Circuit, and that, in my opinion, the foregoing
is in full compliance with those Rules.

gton, D. C.

, 1968

Melvin Warshaw